

Tyler Scott Duncan
7/10/2013

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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

(1) AVIS HUNT, as Special)	
Administrator for the)	
ESTATE OF DAMON LAMONT)	
FALLS, deceased,)	
vs.)	Case No. CIV-12-755-L
)	
(1) DANIEL HERRING,)	
Individually, while acting))	
under color of law, as an))	
Oklahoma City Police)	
Officer, and)	
(2) JACOB COLE, Individually,))	
while acting under color))	
of law, as an Oklahoma))	
City Police Officer, and))	
(3) ZACHARY MILLER,)	
Individually, while acting))	
under color of law, as an))	
Oklahoma City Police)	
Officer, and)	
(4) RAMON CASTRO,)	
Individually, while acting))	
under color of law, as an))	
Oklahoma City Police)	
Officer, and)	
(5) AARON WAKE, Individually,))	
while acting under color))	
of law, as an Oklahoma))	
City Police Officer, and))	
(6) TYLER DUNCAN,)	
Individually, while acting))	
under color or law, as an))	
Oklahoma City Police)	
Officer, and)	
(7) THE CITY OF OKLAHOMA CITY))	
a municipal Corporation,))	

DEPOSITION OF TYLER SCOTT DUNCAN
TAKEN ON BEHALF OF THE PLAINTIFF
ON JULY 10, 2013
IN OKLAHOMA CITY, OKLAHOMA

REPORTED BY: JILL OTWELL, CSR, RPR

1 Q Were you following behind Officer Herring?

2 A I can't remember who was where.

3 Q Were you in close proximity to Officer
4 Herring?

5 A Yes.

6 Q Did you engage your lights and siren?

7 A Yes.

8 Q How long did it take you to get to the scene
9 where Mr. Falls was located?

10 A If I had to guess, I would say under a
11 minute. I can't put specific seconds.

12 Q You were getting there as quickly as you
13 could?

14 A Yes.

15 Q Did you make any observations as you were in
16 your car approaching the scene about what was going
17 on?

18 A When I got to the scene, I just saw several
19 officers wrestling a subject on the ground. The
20 subject on his stomach.

21 Q Did you make those observations prior to
22 exiting your car?

23 A Yes.

24 Q Where did you park?

25 A I parked along the south curb line of

1 Southeast 44th Street. Probably about ten to 20 feet
2 away from where the officers were.

3 Q Tell me the observations that you made as
4 you were approaching Mr. Falls.

5 A As I ran towards the officers or Mr. Falls,
6 I noticed his legs. He was trying to get his legs up
7 under him. His left leg, he was moving trying to get
8 up under him. And usually when a suspect does that,
9 they're trying to get enough pressure underneath him
10 to push the officers off of their back and everything.
11 And then I noticed him kicking his left foot, actually
12 both feet back in a direction to where an officer was
13 on his back straddling him.

14 Q Did you see him make contact with his left
15 leg with any officer that was on him?

16 A No.

17 Q In order -- you said he was trying to get
18 his leg up under him. Was he attempting to move his
19 left knee forward?

20 A Yes. You could say he was trying to put his
21 leg up underneath him, yes.

22 Q These are observations you made after you
23 exited your car and were traveling this 10 to 20 feet
24 to get to this area?

25 A Yes. Running towards him.

1 those commands?

2 A Yes. There were several.

3 Q So as you're approaching the scene, you're
4 assessing what's going on?

5 A Uh-huh.

6 Q Is that yes?

7 A Yes. Sorry.

8 Q And you decide based on that assessment what
9 your course of action is going to be?

10 A Yes.

11 Q You don't ask anyone what you need to do, do
12 you?

13 A No.

14 Q You know immediately that you're going to
15 get on that left leg?

16 A Yes.

17 Q Tell me what you did when you got on the
18 left leg.

19 A When I got on the left leg, I put my knees
20 across the calf area. I think my right leg a little
21 bit underneath where his thigh was to pin it to the
22 ground. And then I performed an X-lock on his lower
23 shin.

24 Q Had you already removed your baton as you're
25 approaching?